

TITLE 327 WATER POLLUTION CONTROL BOARD

LSA Document #00-136

SUMMARY/RESPONSE TO COMMENTS FROM THE THIRD COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from November 1, 2002, through November 25, 2002, on the preliminarily adopted rule concerning combined sewer overflow public notification by National Pollutant Discharge Elimination System (NPDES) permit holders of the potential health impact of combined sewer overflows (CSOs) and amendment of 327 IAC 5-2-9. IDEM received comments from the following party during the comment period:

City of Elkhart (ELK)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: 327 IAC 5-2.1-4(c)(4), of the revised proposed rule rather than the proposed rule as published for comment in the Indiana Register on November 1, 2002, should be modified by replacing "to the commissioner" with "according to subdivision (1)". (ELK)

Response: IDEM has no objection to this minor wording adjustment as the meaning and requirement remain unchanged.

Comment: 327 IAC 5-2.1-6(b), of the revised proposed rule rather than the proposed rule as published for comment in the Indiana Register on November 1, 2002, should be modified by replacing "its" with "the CSO community's" before "jurisdiction". (ELK)

Response: IDEM has no objection to this minor wording adjustment as the meaning and requirement remain unchanged.

Comment: 327 IAC 5-2.1-6(b)(1), of the revised proposed rule rather than the proposed rule as published for comment in the Indiana Register on November 1, 2002, should be modified by replacing "the" with "an affected" before "water". (ELK)

Response: IDEM has no objection to this minor wording adjustment as the meaning and requirement remain unchanged.

Comment: 327 IAC 5-2.1-6(c), of the revised proposed rule rather than the proposed rule as published for comment in the Indiana Register on November 1, 2002, should be modified by inserting "combined sewer overflow" between "Cautionary" and "signs", and "October 2002" should be replaced with "the effective date of this rule" at both locations. (ELK)

Response: IDEM has no objection to this minor wording adjustment as the meaning and requirement remain unchanged.

Comment: 327 IAC 5-2.1-6(d), of the revised proposed rule rather than the proposed rule as published for comment in the Indiana Register on November 1, 2002, should be modified by deleting "or property outside a CSO community's jurisdiction". (ELK)

Response: This suggested change is contrary to the agreement achieved by the rulemaking workgroup concerning this requirement; therefore, IDEM has not removed this wording from the suggested changes that the Water Pollution Control Board is being given at the hearing for consideration of final adoption.

Comment: 327 IAC 5-2.1-6(d)(1) and (2), of the revised proposed rule rather than the proposed rule as published for comment in the Indiana Register on November 1, 2002, should be modified by deleting "or nonjurisdictional" between "private" and "property". (ELK)

Response: This suggested change is contrary to the agreement achieved by the rulemaking workgroup concerning this requirement; therefore, IDEM has not removed this wording from the suggested changes that the Water Pollution Control Board is being given at the hearing for consideration of final adoption.